

Post-Rapanos Caselaw

(as of June 4, 2007)

A. Decisions of the Courts of Appeals

1. *Northern California River Watch v. City of Healdsburg*, 457 F.3d 1023 (9th Cir. Aug. 10, 2006), *petition for rehearing pending*
2. *United States v. Gerke Excavating, Inc.*, 464 F.3d 723 (7th Cir. Sept. 22, 2006), *petition for rehearing and rehearing en banc denied*, Dec. 1, 2006, *petition for cert. filed*, Apr. 2, 2007
3. *United States v. Charles Johnson, et al.*, 467 F.3d 56 (1st Cir. Oct. 31, 2006), *petition for rehearing and rehearing en banc denied*, Feb. 21, 2007
4. *San Francisco Baykeeper v. Cargill Salt Division*, 481 F.3d 700 (9th Cir. Mar. 8, 2007)

B. Significant Decisions of the District Courts (Presently on Appeal)

1. *Simsbury-Avon Preservation Soc’y, LLC v. Metacon Gun Club, Inc.*, 472 F.Supp.2d 219 (D. Conn. Jan. 31, 2007), *appeal pending* (2nd Cir.)
2. *United States v. John Pozsgai*, No. 88-6545 (E.D. Pa. Mar. 8, 2007), *appeal pending* (3rd Cir.)
3. *United States v. George Rudy Cundiff*, No. 4:01CV-6-M, 2007 WL 957346 (W.D. Ky. Mar. 29, 2007), *appeal pending* (6th Cir.)

C. Significant Decisions of the District Courts (Not Presently on Appeal)

1. *United States v. Chevron Pipe Line Co.*, 437 F. Supp. 2d 605 (N.D. Tex. June 28, 2006)
2. *United States v. Evans*, No. 3:05 CR 159 J 32HTS, 2006 WL 2221629 (M.D. Fla. Aug. 2, 2006)
3. *United States v. Marion L. Kincaid Trust, et al.*, 463 F.Supp.2d 680 (E.D. Mich. Nov. 3, 2006)
4. *Sierra Club v. United States Corps of Engineers*, 464 F.Supp.2d 1171 (M.D. Fla. Nov. 19, 2006)
5. *Environmental Protection Information Center v. Pacific Lumber Co.*, 469 F.Supp.2d 803 (S.D. Cal. Jan. 8, 2007)

6. ***United States v. Rowland Fabian***, No. 2:02-CV-495 (N.D. Ind. Mar. 29, 2007), motion for reconsideration pending
7. ***United States v. Sea Bay Development Corp.***, No. 2:06cv624 (E.D. Va. Apr. 18, 2007)
8. ***United States and State of Ohio v. Ike Parker, et al.***, No. 3:91CV7482 (N.D. Ohio May 18, 2007)